

**STAFF REPORT
PRELIMINARY PLANNED DEVELOPMENT
CASE NUMBER PD-2018-03-1079
100 NEWTON BRIDGE RD
May 3, 2018**

GENERAL INFORMATION AND PROPOSED DEVELOPMENT

I. THE REQUEST

APPLICANT.....	Brett Nave, Studio BNA Architects
OWNER.....	Carpenter Technology Corporation
ZONING REQUEST.....	From I to E-O (PD)
TYPE OF REQUEST.....	Type II
LOCATION.....	100 Newton Bridge Rd
COUNTY COMMISSION DISTRICT.....	3
SIZE OF REZONING AREA.....	35.12 acres
PRESENT USE.....	Vacant
PROPOSED USES.....	Mixed-use: Music Venue, Retail, Residential, Industrial & Office
TAX MAP NUMBER.....	112 003
ADJACENT USES AND ZONING.....	(N) Power Partners/I
.....	(S) Dairy Pak Rd; East Georgia Communications/I
.....	(E) Georgia Power/I
.....	(W) Newton Bridge Rd; Terrapin Brewery, Credit Union, Southeastern Color Lithographers, Girl Scouts NE GA Council/I; ACC Fleet Management/G; undeveloped/C-G
STAFF RECOMMENDATION.....	Receive with comments
PLANNING COMMISSION.....	Pending

II. PURPOSE

The purpose of this request is to rezone one parcel currently zoned I (Industrial) to E-O (PD) (Employment Office, Planned Development) to construct a mixed-use music venue, residential, retail, industrial and office development on a 35.12-acre site. A planned development includes a binding application report, site plan, and architectural elevations as a guarantee to the community that what is proposed would be constructed. The request does not require amending the Future Development Map designation from *Employment*.

III. EXISTING CONDITIONS OF SUBJECT PROPERTY AND VICINITY

The subject parcel is currently home to the former WestClox manufacturing facility with some surface parking and loading docks. The building fronts Newton Bridge Road with three driveways and parking between the building and the road. It also has one driveway to the south off Dairy Pak Road that provides access to some parking and the rear loading facilities. A narrow strip of the subject property extends east off the northeast corner to a railway line.

The property currently has a primary structure and two outbuildings. The primary building was constructed in 1954 and an addition was built on the north end in the 1990's. The larger of the two outbuildings is a steel frame structure of approximately 7,000 square feet, while the other outbuilding has a silo form.

The facility is mostly surrounded by other industrial uses zoned I (Industrial). ACC Fleet Management is across Newton Bridge to the west and zoned G (Government). To the southwest, at the intersection of Newton Bridge Road, Barber Street, Dairy Pak Road and Chase Street, lies a vacant parcel zoned C-G (Commercial-General).

IV. PROPOSED DEVELOPMENT

The proposal is to rezone the site to E-O (PD) (Employment-Office, Planned Development) for the construction of a music venue, residential, retail, industrial and office mixed-use development. The application report indicates the intent to rehabilitate the brownfield site and renovate the south end of the primary building to use as a stage that will project out into an amphitheater seating area. The wall will house large format doors that can close when not in use. Seating in the amphitheater will be flanked by concession plaza areas and landscaping. The remainder of the older portion of the primary structure will have several atria, pedestrian and retail space. The project includes a second-story addition on the southwest corner for a rooftop restaurant that will overlook the amphitheater and plaza. The intent is to maintain an industrial aesthetic, although several improvements will be made to reopen loading dock space for new retail and business.

The 1990's addition will be partially used by Terrapin Beer Company for a new packaging and shipping facility. The southern portion of that addition will be available for newly adapted storefronts. The project also proposes two buildings for residential use on the western portion of the parcel along Newton Bridge Road. The design architecturally matches existing structures on the property and in the vicinity. The residences will consist of 56 two-bedroom dwellings and 44 one-bedroom dwellings, most of which will have live/work space. The developers also propose to work with the Athens Land Trust to accommodate several reduced income units.

The project will have several surface parking lots on the east, west and north sides of the development. Drives will interconnect to the Power Partners property to the north to allow for overflow parking during large events and provide ingress and egress to larger trucks for the Terrapin storage facility. Staff members will direct traffic and assist with entry/exit from Newton Bridge Road and Dairy Pak Road during music events. Certain events may require assistance from the Police Department.

The development is seeking to provide multiple options for transportation. The property is located along an Athens Transit route and the project provides pedestrians and bicycle connections. The long-range plan is to connect to a future ACC greenway planned to follow the western side of the North Oconee River.

COMPATIBILITY WITH COMPREHENSIVE PLAN

I. COMPATIBILITY WITH FUTURE DEVELOPMENT MAP

The Future Development Map indicates that the subject parcels currently have an *Employment* designation, which is described as follows:

These are areas of industry, office, research parks, and flex-space mixed uses. Two types of employment areas are distinguished in the land-use classifications for the specific properties. The first type is large-scale employment areas, which include large industrial areas, manufacturing, office parks, and research centers. Housing is incompatible with these areas. As these areas are generally not visible from the main corridors of the community, design standards should only be employed within areas that are visible from main corridors and for buffering adjacent residential areas. The second type of employment area is smaller in scale and is appropriate to be in close proximity to a neighborhood area. Design standards regulating building placement, landscaping, and buffering should apply. Housing and small amounts of retail may be compatible in some areas.

The proposed E-O zoning is compatible with the existing *Employment* designation per the Compatibility Matrix in Chapter 9-4.

II. COMPATIBILITY WITH VISION STATEMENTS, ISSUES AND OPPORTUNITIES & POLICIES

Some of the relevant Comprehensive Plan vision statements, opportunities, and policies:

- Policy: Encourage the appropriate development of Research Parks, Business Parks and/or Incubation Parks.
- Opportunity: Athens is recognized internationally as a center for music, visual, film and performing arts and has a growing cultural industry.
- Opportunity: Public Open Space creation and tree canopy preservation will be a major priority within our neighborhoods, along our streets, parking lots and within commercial and industrial developments.
- Policy: A mix of housing types, including workforce and life-cycle housing, will be encouraged.
- Policy: Athens-Clarke County will continue to encourage redevelopment and infill development in preference to Greenfield development.
- Policy: Athens-Clarke County will support residential and non-residential in-fill development that positively contributes to the character of existing neighborhoods and meets the goal of providing housing and services close to existing infrastructure.
- Opportunity: Sustainable development should achieve a balance that satisfies the community's housing, recreational, educational, commercial, and industrial needs.

COMPATIBILITY WITH ZONING MAP AND ORDINANCE STANDARDS

I. COMPATIBILITY WITH ZONING MAP

The purpose of this request is to rezone 100 Newton Bridge Road from I (Industrial) to E-O (PD) (Employment Office, Planned Development) for a commercial, entertainment, residential and industrial development. The area immediately surrounding the subject parcels is comprised of three zoning

categories - I (Industrial), G (Government) and C-G (Commercial-General). The proposal is to introduce an E-O zoning district into the area. The result would be a slightly less intensive industrial zoning district along Newton Bridge Road, one that allows for residential use and the possibility for major event entertainment. Otherwise, the proposed zoning is similar to the adjoining districts, so Staff finds that approval would not create an isolated zoning district.

II. COMPATIBILITY WITH ORDINANCE STANDARDS

All exemptions to the zoning and development standards must be identified in the application prior to approval of a binding proposal since the development would otherwise be expected to adhere to the ordinance standards. Staff finds the plans comply with the applicable ordinance standards, except for the following four requested waivers:

1. *Waiver from Community Tree Management Section 8-7-15, conserved canopy, which specifies that the minimum conserved tree canopy in the E-O zone is 15%.*

A waiver has been requested to reduce the conserved tree canopy of the proposed mixed use, multi-structure project to 3% and seek alternative compliance to reach the required conserved and planted figure of 40%. The applicant would like to remove a portion of the existing canopy due to the presence of the invasive Callery Pear (*Pyrus calleryana*) and also replace existing perimeter trees with more plantings throughout the site.

2. *Waiver from off-site parking requirements of Zoning and Development Regulations Section 9-30-8 A. Location.*

The waiver requesting an increase in the maximum allowable 200' distance for off-site parking between the closest off-site space and entrance to the use. Both off-site lots are on the closest parcels to the north and south and would be used only for overflow parking for events.

3. *Waiver from Zoning and Development Regulations Sections 9-11-2(L3) Percentage of Residential space in an E-O zoned project*

The project is proposing two residential structures, which would increase the allowable amount of residential square footage from 20% to 24%. The application report mentions live-work arrangements and convenient work-force housing.

4. *Waiver from Zoning and Development Regulations Sections 9-11-2 Allowable Uses*

A waiver has been requested to allow wholesale storage and distribution in the E-O zone which does not permit such a use. The request is for the Terrapin Beer Company facility, which has a brewery directly across Newton Bridge Rd and would like to package and distribute from the building on the north side of this project. This use does have the potential to bring large trucks in the vicinity of residential dwellings at any hour of the day and also near commercial customers at this site. Terrapin has recently received plans approval under the current zoning to operate out of this facility, but the permit has yet to be issued as of this date, and the waiver is requested in order to allow the anticipated use.

5. *Waiver from Zoning and Development Regulations Sections 9-11-2(L1) Allowable Use size restriction*

A waiver is requested to increase the allowable amount of retail and restaurant use from the maximum allowed 10,000 square feet for each use. The amount is undetermined at this time, but accounts for the space left once the amphitheater, warehouse and residential space is removed from the overall size. Some of that space is projected to be office space, which is allowed without a size

limitation in the E-O zone, but at this time, the development is not specifically demarcated beyond the above uses.

EFFECT ON COMMUNITY

I. BALANCE OF LAND USES IN ATHENS-CLARKE COUNTY

As compared to the existing property uses, the proposed planned development entails a decrease in possible industrial space, and an increase in residential, commercial and major event space. Athens-Clarke County has seen a lot of multifamily development in the past few years, primarily in the mixed-use downtown core, but this proposal would introduce an isolated mixed-use development, including 100 multifamily dwellings, in an area of predominately industrial and commercial uses. The potential 120,000 sf of commercial space is a significant increase in this area and the music venue would be the largest of its kind in Athens-Clarke County, although another rezoning petition is concurrently being processed for an even larger proposed amphitheater on Commerce Road. This application requests flexibility so that the market would dictate the eventual balance of uses in the proposed development; however, overall, this would be the redevelopment of a large industrial tract for commercial, industrial, residential and entertainment use.

II. POPULATION

The resident population of the immediate area would increase with this proposal since the request includes the construction of 156 bedrooms. The proposed one- and two-bedroom apartments in an industrial area are not typical for families, so this proposal is unlikely to have many school-age residents.

III. ENVIRONMENT

The Athens-Clarke County Environmental Areas Map does not indicate the presence of protected environmental areas within the boundaries of the proposed planned development.

A tree management plan has been submitted as part of this proposal. The Athens-Clarke County Arborist has reviewed the plan and has the following comments:

- The plans and the tree summary table on the plan must match; Baldcypress & Dawn Redwood are denoted in the table, but not shown on the plans.
- Saucer Magnolia is not recommended for parking lots and Two-winged Silverbell is not recommended for plazas.
- Standard-size, two-space parking islands can support one large canopy tree or two medium canopy trees; parking peninsulas cannot support large canopy trees. Please amend the plans and adjust the canopy figures if needed.
- Raised walkways should be provided throughout the parking lot, which typically traverse through parking islands; any adjustments must correspond to proper practices on the plan and canopy figure adjustments must be reflected on the plans.

The tree management plan associated with this Planned Development proposal has been reviewed for general compliance only. The plan would be binding only in regards to the waiver request, but the aforementioned comments do not preclude compliance with all other technical standards regarding the installation and maintenance of trees as provided for in the Community Tree Management Ordinance.

IV. TRAFFIC, TRANSPORTATION, & TRANSIT

Athens-Clarke County Transit serves a route through the area with bus stops along Newton Bridge Road. Further coordination with ACC Transit is needed in regards to facility upgrades to serve the proposed development.

The plan proposes a connection to the Sandy Creek Nature Center. Coordination with ACC Leisure Services is needed.

The ACC Transportation and Public Works Department has reviewed the application materials and has the following comments:

- *Public sidewalk should be located inside the street rights-of-way of Newton Bridge Road and Dairy Pak Road. A multi-modal path is appropriate for the Newton Bridge Road frontage.*
- *A complete Traffic Impact Analysis is needed for further assessment of impacts and necessary transportation improvements. A meeting with the Transportation & Public Works Department staff to discuss these impacts is needed.*

V. GRADING AND DRAINAGE

The application report indicates that the existing stormwater detention and water quality facilities would be upgraded to a 40,000 square foot micro pool, an extended detention wet pond or other similar facility. The development is also seeking to infiltrate precipitation throughout the site with rain gardens, enhanced swales, bioslopes and grass channels.

VI. WATER AND SEWER AVAILABILITY

The Athens-Clarke County Public Utilities Department comments that water and sanitary sewer services are available for this development.

VII. FIRE PROTECTION

The Athens-Clarke County Fire Marshal has reviewed this request and has the following comments:

1. ACC Fire service protection can be provided for this project.
2. The project must meet Life Safety Code (NFPA 101) and 2010 ADA codes.
3. Any mixed occupancies would need to be sprinkled.

RECOMMENDATIONS

I. STAFF RECOMMENDATION – Accept with comments

The purpose of the planned development request is to rezone one parcel at 100 Newton Bridge Road from I (Industrial) to E-O (PD) (Employment-Office, Planned Development), and to waive several applicable ordinance standards to construct a residential, commercial, industrial and major music venue development on the former WestClox property. The requested zoning is compatible with the existing *Employment Future Development* designation, which advocates a mix of industry, office and flex-space uses. The *Employment* designation also describes two types of appropriate development; one is large-scale office or industrial parks where residences are not appropriate, while the other is smaller in scale with limited residential use. This proposed development has qualities of both types, being large scale with residential use. Newton Bridge Road is classified as a minor arterial and the plan reflects that through plantings, landscaped space between the road and buildings, design standards and alternative transportation options.

The request would establish the only E-O zoning along Newton Bridge Road. However, the proposed zoning is similar to adjoining industrial and commercial districts, so Staff finds that approval would not create an isolated zoning district.

The proposed development would attract visitors to a destination site in an area with predominantly industrial and pass-through traffic, so it has the potential to change the dynamic of the area. Staff sees the primary issue as the introduction of residential and major event entertainment uses in the midst of the industrial area. Adequate separation of uses and agreements on hours of activity may help ameliorate any conflict between residents, the existing nearby industrial uses, and the proposed entertainment activities. Another concern is whether the proposed residential use would deter further investment in the development or redevelopment of nearby industrial properties.

The purpose of the preliminary planned development review is to provide an opportunity for the Planning Commission to comment on the project prior to the preparation of the master development plan. Any comments by the Planning Commission are for the benefit of the applicant in drafting the master development plan and shall not be binding. Staff may have additional comments on this proposal when the missing information has been provided for further review.

The following issues should be addressed with the master plan submittal:

1. Parking agreements should be negotiated and presented with the Master Planned Development submittal to ensure that sufficient overflow parking is available for the proposed major events.
2. A complete Traffic Impact Analysis should be provided to the Transportation & Public Works Department and more information provided regarding traffic management during major events.
3. More information should be provided regarding the agreement with the Athens Land Trust to provide reduced income units.
4. The applicant should coordinate with the Transit Department to ensure proper transit amenities.
5. The applicant should coordinate with the Leisure Services Department to ensure a proper Greenway connection.
6. Although not technically required for E-O zones, due to the nature of the proposed uses, raised walkways should be provided throughout the parking areas to provide separation between vehicles and pedestrians.

7. The public sidewalk should be located inside the street rights-of-way of Newton Bridge Road and Dairy Pak Road.
8. Proposed signage should be removed from the plans since they require a separate review.

II. PLANNING COMMISSION RECOMMENDATION – Pending

III. CURRENT STATUS

The Planning Commission is scheduled to consider the request at their regular meeting on May 3, 2018. At that time, the Planning Commission will review the submitted application and consider a recommendation to “Receive the Preliminary Plan with Comments.” Submittal of a Master Planned Development report and plan will follow a subsequent review cycle schedule.

Report for 100 Newton Bridge Rd

Reviewed	Not Applicable	Zoning Criteria for Type II Applications
X		1. The proposed rezoning conforms to the future development map, the general plans for the physical development of Athens-Clarke County, and any master plan or portion thereof adopted by the Mayor and Commission.
	X	2. The proposed special use meets all objective criteria set forth for that use provided in the zoning ordinance and conforms to the purpose and intent of the comprehensive plan and all its elements.
X		3. Public services, which include physical facilities and staff capacity, exist sufficient to service the proposed rezoning.
X		4. The proposed rezoning will not adversely affect the balance of land uses in Athens-Clarke County.
X		5. Existing land use pattern surrounding the property in issue
X		6. Possible creation of an isolated district unrelated to adjacent and nearby districts
X		7. Population density pattern and possible increase or over-taxing of the load on public facilities including, but not limited to, schools, utilities and streets
X		8. The cost of the Unified Government and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures
X		9. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity
X		10. Whether the proposed zoning amendment will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations
X		11. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning; provided, however, evidence that the economic value of the property, as currently zoned, is less than its economic value if rezoned as requested will not alone constitute a significant detriment
X		12. The aesthetic effect of existing and future use of the property as it relates to the surrounding area
X		13. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal

Public Notice

In accordance with Section 9-4-9(E), public notice of this zoning request was first posted on or near the subject property on April 17, 2018.